

Dr. Orly Taitz, ESQ

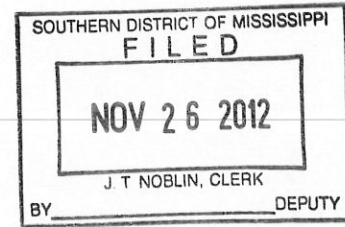
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PRO SE PLAINTIFF IN MS



IN THE US DISTRICT COURT

SOUTHERN DISTRICT OF MISSISSIPPI

Dr. Orly Taitz, ESQ et al

) CASE 12-CV-280

v

) HON. HENRY WINGATE

Democratic Party of Mississippi et al

) PRESIDING

## PER ORDER OF THE COURT PLAINTIFF SUBMITS THIS SUPPLEMENTAL BRIEF

### I. PRECEDENT ON STAYING CERTIFICATION OF ELECTION

1. Originally this case was filed under MS code 23-15-961, later 23-15-963. Originally defense stated that the case was filed 1 day late, however above statutes do not specify calendar days or business days and whether mail box rule apply. MS paralegal Sandra Inman provided an affidavit Exhibit 2 that she called the clerk of the court and was instructed that statute specified business days, which explains the discrepancy. Additionally Defense in their motion to dismiss claimed that the case was filed too early, as Obama was not nominated yet. He has been nominated now and the case is ripe for adjudication. In 2010 U.S. District Court Judge Ralph R. Beistline ordered a STAY of CERTIFICATION of ELECTION RESULTS by the Secretary of State of Alaska of the results of the election of the U.S. senator Lisa Murkowski pending resolution of constitutional violation challenges in a legal action Miller v Campbell 10-cv-00252 -RRB USDC of Alaska. After constitutional challenges were resolved, the stay was lifted. Based on this precedent, in case at hand a STAY in certification of election results by the Secretary of State and a STAY in presenting the Certificate of Ascertainment to the Electors can be issued 2. McCarthy v. Briscoe 429 U.S. 1317, 97 S.Ct. 10, 50 L.Ed.2d 49 1976 McCarthy is a case coming out of the 5th Circuit. U.S. Supreme Court granted an emergency injunction and ordered the Secretary of State of Texas to place on the ballot the name of an independent candidate for the U.S. President Senator McCarthy. Based on this precedent this court can issue a declaratory relief and an injunction to issuance of the Certificate of votes for Candidate Obama and Certificate of Ascertainment by the Secretary of State.

3. Aside from certifying elections results SECRETARY OF STATE HAS A DUTY TO PRESENT A CERTIFICATE OF ASCERTAINMENT TO THE ELECTORAL COLLEGE on the first Monday after second Wednesday in December, which falls on December 17, 2012. As this court has jurisdiction to STAY and ENJOIN certification of election results, consequently it has jurisdiction to enjoin presentment of a Certificate of Ascertainment to the electoral college.

c. Duty to certify the Certificate of nomination. Secretary of state of Mississippi Delbert Hosemann certified the Certificate of Nomination of Barack Obama which was provided to him by the Nominating convention of the Democratic Party. The certification stated " WE DO HEREBY **CERTIFY** that the following are the nominees of said Party for President and Vice President of the United States respectively and that the following are **legally qualified** to serve as President and Vice President of the United States respectively **under the applicable provisions** of the United States Constitution:"

According to the Cyclopedia of Law and Procedure, vol. 15 (NY: American Law Book Company, 1905), pp. 338-339: *When the authority to make a nomination is legally challenged by objections filed to the certificate of nomination, and violation or disregard of the party rules is alleged, the court must hear the facts and determine the question.* Plaintiffs in this case, among them 3 Presidential Candidate, duly registered as such, challenged the nomination of Barack Obama due to fraud committed by him in his claim of eligibility and his use of forged IDs, name not legally his and a stolen Social Security number in



claiming eligibility . Additionally, OCON (official certification of Candidate ) was falsified and Certification of the Candidate sent by the DNC to Secretary of State was based on fraudulent information.

As such this court can issue a DECLARATORY RELIEF THAT SECRETARY OF STATE CERTIFIED CANDIDATE OBAMA BASED ON INCORRECT/FRAUDULENT INFORMATION PROVIDED BY THE DNC in its Certification of the Candidate. Based on such declaratory relief this court can render injunctive relief.

## II. GOVERNMENTAL EMPLOYEES CAN BE SUED IN RICO FOR ACTIONS TAKEN WHILE HOLDING PUBLIC OFFICE AND/OR MISUSE OF THEIR PUBLIC OFFICE.

In her RICO statement p39 Taitz expressly clarified that Defendants are sued as individuals and also as participants in RICO enterprise. Caption and description of the parties on page 3 of the FAC show that **only** the Secretary of State is being sued **only in his capacity as the Secretary of State**. His name was not mentioned. In regards to other plaintiffs, there was **no statement** that they are sued **only in their official capacity**. They were named by their personal names, such as Alvin Onaka and Loretta Fuddy, it was explained where they work and how they are connected to the case and it was explained that they are RICO defendants as individuals, **for actions taken while holding public office and/or misuse of their public office**.

Nu-Life Constr. Co. v. NYC Board of Education, 779 F. Supp. 248 (E.D.N.Y. 1991) . Employees of the Board of Education of the city of New York were convicted in **Civil RICO for their actions in their capacity as employees of the city**.

From LaFlamboy v. Landek, 587 F. Supp. 2d 914 (N.D. Ill. 2008): "In addition, public officials can be held individually liable **for actions taken while holding public office and/or misuse of their public office**. See, e.g., United States v. Warner, 498 F.3d 666, 696 (7th Cir. 2007) (affirming RICO conviction of former Illinois governor based on activities defendant was serving as Illinois Secretary of State and Governor); United States v. Emond, 935 F.2d 1511, 1512 (7th Cir. 1991) (affirming RICO conviction of village manager who "used his official position as Streamwood's village manager to extort money from persons with business before the village government."). [Footnote 17.] Indeed, as discussed below, the Seventh Circuit has held that certain violations of Illinois' Official Misconduct Statute, specifically, 720 ILCS 5/33-3(d), **which applies to misconduct committed while in office, can constitute a RICO predicate act**. See United States v. Garner, 837 F.2d 1404, 1419 (7th Cir. 1987); see also United States v. Genova, 333 F.3d 750, 758 (7th Cir. 2003) (720 ILCS 5/33-3(d) "defines a species of bribery" and thus violations constitute predicate acts for RICO purposes; violations of 720 ILCS 5/33-3(c), however, do not). **Public officials were found guilty in Civil RICO in bribery**, see Environmental Tectonics v. W.S. Kirkpatrick, Inc., 847 F.2d 1052, 1067 (3d Cir.1988),

Bieter Company, Appellant, v. Beatta Blomquist 987 F.2d 1319 ¶53 (8th Circuit) "...Were we to accept the district court's analogy to Williamson, the application of **civil RICO** in cases of **public corruption** would appear to be restricted to those cases in which a plaintiff suffers a taking because of bribery or the like. We find no support for restricting RICO's application in



that manner. Such a holding would not be consistent with the purposes of RICO, **one of which is to root out public corruption**, see *United States v. Angelilli*, 660 F.2d 23, 32-33 (2d Cir.1981) (discussing legislative history), cert. denied, 455 U.S. 910, 102 S.Ct. 1258, 71 L.Ed.2d 449 (1982), and would remove the threat of heavy civil sanctions from those who choose to corrupt public officials for their own gain but do so prior to having lost to their competitors the very time when such villainy can have the most effect." Moreover, the court should follow the precedent of *Gutenkauf v. City of Tempe*, No. CV-10-02129-PHX-FJM, 2011 WL 1672065, at \*5 (D. Ariz. May 4, 2011) where it can sua sponte analyze actions of the governmental officials as officials and individuals. In this case actions of Onaka and Fuddy were not in furtherance of their functions as bona fide governmental officials but rather as accomplices in a RICO scheme, where they acted with an unprecedented level of malice and knowingly certified complete forgery, claiming it to be a genuine birth certificate. Moreover, their further actions show that they acted in furtherance of RICO, as on 05.31.2012 they certified a new, improved forgery, which attorneys for co-defendants Tepper and Begley submitted to this court.

### **III DEFENSE CLAIMS THAT PLAINTIFF SUED IN RICO UNDER ONLY 2 PREDICATE ACTS. THIS IS NOT TRUE.**

**PREDICATE ACTS FULLY DESCRIBED IN 49 PAGES OF RICO STATEMENT, 45 PAGE COMPLAINT as well as exhibits and subsequent pleadings submitted by the Plaintiffs: (1)"racketeering activity" bribery, extortion, 18, United States Code: Section 201 (relating to bribery), sections 471, 472, and 473 (relating to counterfeiting), section 1028 (relating to fraud and related activity in connection with identification documents, , section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and use of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), [1]section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering, section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 1960 (relating to illegal money transmitters), sections 2314 and 2315 (relating to interstate transportation of stolen property), section 2320 (relating to trafficking in goods or services bearing counterfeit marks), (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain, or (G) any act that is indictable**



under any provision listed in section 2332b(g)(5)(B); sections 1461 to 1465 (relating to obscene material)

2. Defamation was not a predicate act in itself, but a form of intimidation and retaliation against Taitz, who is a victim, witness and informant herein. It falls under **section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant)**, Systematic Defamation and assassination of her character was done with the purpose of intimidating her and with the purpose of destroying her name as a professional, as a licensed Doctor of Dental Surgery and Attorney and in order to destroy her business: her medical and legal practice, it was done with the goal of impoverishing her and destroying her ability to support herself and her family. One of the most egregious actions was hiring by RICO accomplices of a painter to create a series of pornographic paintings under title "birther Orly Taitz" and posting those all over the internet, in news papers, holding an exhibition and sending those pornographic paintings to 3 children of Taitz. This constitutes RICO violation under **Title 18, United States Code, sections 1461 to 1465 (relating to obscene material) which are predicate offenses** for violation of the RICO statutes, 18 U.S.C. §§ 1961 to 1969 Exhibit 1.

### **III. REQUESTED 1 SENTENCE CLARIFICATION OF RICO DEFENDANTS AND THEIR ROLES IN RICO CONSPIRACY.**

Defendant's attorney Tepper claimed that the fact that there are a number of defendants in RICO conspiracy means that Plaintiff Taitz is litigious and the claims are improbable. However, let's remember the Watergate, where over 30 high ranking governmental officials were indicted and went to prison. If Watergate were to be presented to Judge Sirica as a civil RICO, it would seem improbable at first. ObamaForgeryGate is much more egregious, as we have high ranking officials committing most serious crimes, committing treason in covering up forgery in IDs of a foreign national who got in the White House by virtue of fraud and use of forged IDs. Seeing ObamaForgeryGate through the prism of Watergate, it is easier to understand that allegations are not improbable. More information is provided in some 49 pages of RICO statement, 45 page First amended complaint and come 90 pages of exhibits to the complaint. There are 8 named defendants: **#1**Barack Hussein Obama, aka Barack (Barry) Soetoro, aka Barry Soebarkah, citizen of Indonesia per his Indonesian school records, committed massive fraud by getting into the White House using flagrantly forged birth certificate, forged Selective Service application, last name and fraudulently obtained Connecticut Social Security number xxx-xx-4425, which was never assigned to him according to E-Verify and SSNVS Obama was complicit in all predicate acts listed above. **#2**"Obama for America" RICO organization created to finance all of the predicate acts listed above. **#3**Alvin Onaka- Registrar of the Department of Health State of Hawaii and **#4** Loretta Fuddy, director of Health of HI. Onaka and Fuddy repeatedly authorized a computer forgery claiming it to be Obama's genuine type written 1961 birth certificate **sections 471, 472, and 473 (relating to counterfeiting), ), section 1028 (relating to fraud and related activity in connection with identification documents, , section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), #5** Michael Astrue, commissioner of Social Security, acted with malice and covered up Obama's use of a stolen Connecticut social Security number xxx-xx-4425; **#6** Nancy Pelosi, as a



Chair of the Democratic National Convention certified Obama as a legally eligible candidate for the U.S. President, while she knew that Obama is a foreign national using forged IDs. **#7** Democratic Party of Mississippi acted with malice and committed fraud in submitting Obama's name as a candidate for the U.S. President, while knowing that he is a foreign national, who is committing fraud and using forged IDs. **#8** Secretary of State and Democratic Party of MS were put on notice regarding forgery in Obama's IDs in November 2008, in Thomas v Hosemann. They covered up all evidence and certified Obama as a legally eligible candidate, while knowing that he is using forged IDs.

**RICO participants, who were not listed as named defendants** **#1** George Soros, billionaire financier **financed RICO organizations** **#2** "Fogbow", "Obama for America", May 2010 Fogbow convention. According to **#3** Painter Jim lacey George Soros financed creation of **obscene material**, series of **pornographic paintings of Taitz (sections 1461 to 1465 relating to obscene material)** created in order to intimidate her as a whistle blower **section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant).** **#4** Attorney Scott Tepper, co-founder of Fogbow, engaged in intimidation of Taitz, submitted to court various forgeries, claiming those to be valid birth certificates; **#5** A number of employees of different courts who tampered with pleadings by Taitz in order to cover up Obama's forged IDs. **#6** William Chatfield, former director of Selective Service, knowingly and with malice covered up flagrant forgery in the application for the Selective Service), **sections 471, 472, and 473 (relating to counterfeiting), , section 1028 (relating to fraud and related activity in connection with identification documents, , section 1341 (relating to mail fraud), section 1343 (relating to wire fraud),#7** Patrick Donahoe, Postmaster General, received two certified mail complaints showing that Obama's alleged Selective Service application contains a forged post office stamp with 2 digits year "80", when for over 200 years US post office used 4 digit stamp and all other mail sent in 1980 contained a 4 digit year "1980". Postmaster covered up this flagrant forgery. ), **sections 471, 472, and 473 (relating to counterfeiting) ), section 1028 (relating to fraud and related activity in connection with identification documents, , section 1341 (relating to mail fraud), section 1343 (relating to wire fraud),#8** Harry Ballantyne, Chief Actuary of Social Security, according to National databases, one of the Social Security numbers used by Obama, was a number of Ballantyne's deceased mother, Lucille Ballantyne. **#9** CNN and Anderson Cooper "360-keeping them Honest" publicized a microfilm of the birth certificate of another person, claiming it to be Obama's. **#10** Computer hackers, who destroyed Taitz web sites, hacked e-mail accounts, **#11** John Does, who tampered with her and her husband's cars, **#12** Brian Schatz, former chair of the Democratic party of HI, Lieutenant Governor of HI, falsified wording of the certificate of Candidate, removed words "eligible to Constitution", to cover up Obama's lack of Constitutional eligibility. In summary Plaintiff Taitz suffered over \$500,000 estimated damages, her businesses were destroyed, her good name was assassinated in an effort to tamper with her as a whistleblower, informer and victim, to intimidate her, so she will dismiss her complaint. Obama, "Obama for America" and accomplices got a financial benefit from RICO of \$1 billion raised from the public and \$1 billion of matching funds from the taxpayers for RICO enterprise based on forgery and fraud. Obama donors got estimated \$90 billion in kickbacks from Obama in the form of Federal grants and U.S. Government backed loans for failing ventures.

*Respectfully Submitted, Taitz 2-28*

Certificate of Service

I, Orly Taitz, certify that per request of the defendants I served all parties to the case on <sup>11-24-2012</sup> ~~11-27-2012~~ via e-mail with foregoing supplemental brief

/s/ Orly Taitz



Brian Finkelstein co-plaintiff pose